

STATE OF NORTH CAROLINA **FILED**

IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY 2021 OCT 25 A 10:40

SUPERIOR COURT DIVISION

ORANGE COUNTY

FILE NO.

SHAWN THOMAS

BY SK)

Plaintiff,)

)

v.)

COMPLAINT

)

Jeffrey Howard Clark and Upstaging, Inc.)

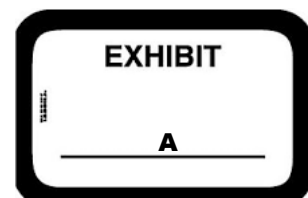
Defendants,)

)

NOW COMES THE PLAINTIFF, SHAWN THOMAS, by and through counsel, and complaining of the Defendants, and respectfully alleges and says:

GENERAL ALLEGATIONS

1. This is a cause of action for damages in excess of twenty-five thousand dollars and 00/100 (\$25,000.00), exclusive of attorney's fees, costs, and interest, and is within the jurisdiction of this Court.
2. Plaintiff is entitled to recover said damages from Defendant.



3. Plaintiff is resident of the City of Lithia Springs, County of Douglas, and State of Georgia.
4. Upon information and belief, Defendant Jeffrey Howard Clark is a resident of the City of Cornelius, County of Washington, and State of Oregon.
5. Upon information and belief, Defendant Upstaging, Inc. is an Illinois corporation, licensed to do business and doing business in the State of North Carolina.

MOTOR VEHICLE NEGLIGENCE AGAINST DEFENDANTS

6. Plaintiff hereby realleges paragraphs 1-5, as though fully set forth herein, and further alleges:
7. On or about the 12th day of December 2018 Defendant, Jeffrey Howard Clark operated a Peterbilt Tractor Trailer vehicle in the public vehicular area of Petro Shopping Center, located at 500 Buckhorn Road in city of Mebane, Orange County, North Carolina.
8. Also, at the same time and place Plaintiff, Shawn Thomas had lawfully parked his tractor trailer vehicle at the public vehicular area of Petro Shopping Center, located at 500 Buckhorn Road in city of Mebane, Orange County, North Carolina and was asleep in the sleeping compartment of the cab of his vehicle.
9. That at all relevant times hereto, the defendant Jeffrey Howard Clark was an employee of the defendant Upstaging, Inc. and was acting within the scope of his employment as a truck driver
10. At the same time and place Defendant Jeffrey Howard Clark, negligently operated and/or maintained the aforementioned motor vehicle, by failing to properly maintain control of his vehicle and collided with the side of the plaintiff's vehicle, with such force as to propel the plaintiff out of his sleeping bunk causing him to strike his head and back on the refrigerator inside of the sleeping compartment.

11. Further, Defendant Jeffrey Howard Clark was negligent in one or more of the following respects:

- a. Defendant failed to keep and maintain a proper lookout,
- b. Defendant failed to keep and maintain his vehicle under proper control,
- c. Defendant failed to reduce speed in order to avoid a collision,
- d. Defendant operated his vehicle at a speed greater than was reasonable and prudent under the conditions than existing in violation of North Carolina General Statutes Sec. 20-141,
- e. Defendant operated his vehicle carelessly and heedlessly in willful or wanton disregard of the rights and safety of others in violation of North Carolina General Statutes Sec. 20-140(a),
- g. Defendant was otherwise negligent in such ways as may be shown at a trial of this action.

12. As a direct and proximate result of the negligence of the Defendant, Jeffrey Howard Clark, Plaintiff, Shawn Thomas, suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care, loss of earnings, loss of ability to earn money, inconvenience, loss of insurability, loss of household services, loss of capacity to perform household services, and the losses are either permanent or they are not permanent, and Plaintiff is entitled to past and future out-of-pocket losses.

WHEREFORE, Plaintiff, Shawn Thomas, prays the court as follows:

demands judgment for damages against the Defendants, Jeffrey Howard Clark and Upstaging, Inc. plus costs including but not limited to:

1. That the defendants be ordered to pay the plaintiff damages in an amount in excess of Twenty-Five Thousand dollars,
2. Reasonable attorney's fees pursuant to NCGS Section 6-21.1 to be taxed to the defendants,
3. Pre-judgment and post-judgment interest as allowed by law, and,
4. For such other and further relief as the Court deems just and proper.

TRIAL BY JURY

Plaintiff, Shawn Thomas demands a trial by jury on all matters triable as of right.

This the 20th day of October 2021.



Law Offices of Miguel A. Cuadra, P.L.L.C.
Miguel A. Cuadra Jr.
Attorney for Plaintiff
State Bar #50329

OF COUNSEL:
Law Offices of Miguel A. Cuadra, P.L.L.C.
Miguel A. Cuadra Jr., Attorney
315 Spruce St. North., Suite 275
Winston-Salem North Carolina 27101
Telephone: (336) 695-7760
Facsimile: (336) 722-5680

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

File No.

SHAWN THOMAS

Plaintiff,

vs.

Jeffrey Howard Clark and Upstaging, Inc.

Defendants.

VERIFICATION

I, SHAWN THOMAS being first duly sworn, deposes and says:
THAT he is the Plaintiff in this action and that he has read the foregoing Complaint and knows the contents thereof, and that the same is true of his own knowledge except as to those matters alleged upon information and belief, and as to those matters, he believes them to be true.

This the 18 day of October 2021.


Shawn Thomas

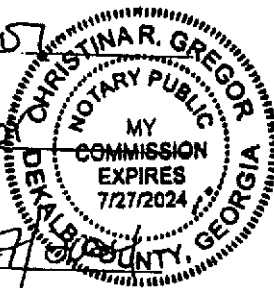
Sworn to and subscribed before me

This the 18 day of October 2021.


Notary Public

Christina R Gregor
Printed name of notary public

My Commission Expires: 7/27/2024



STATE OF NORTH CAROLINA
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

File No.

SHAWN THOMAS,

Plaintiff,

vs.

Jeffrey Howard Clark and Upstaging, Inc.

Defendant(s).

CERTIFICATE OF SERVICE


I certify that a copy of the document listed below has been served by certified mail, return receipt requested to:

Jeffrey Howard Clark
509 S. 9th Avenue
Cornelius, OR 97113

Upstaging, Inc.
Registered Agent:
Graham P. Wiggs
PO Box 20143
Raleigh, NC 27619

Upstaging, Inc.
Registered Agent:
Randall G. Vickery
303 W. Madison Street Ste. 2300
Chicago, IL 60606

This the 20th day of October 2021.


Miguel A. Cuadra Jr.
Attorney for Plaintiff
NC State Bar No. 50329
The Cuadra Law Firm
315 Spruce St. North
Suite 275
Winston Salem, NC 27101
Telephone: 336.695.7760
Fax: 336.722.5680